

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/915,549	MULLER, RAINER H.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Humera N. Sheikh	1615	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 28 November 2005.
2. ☒ The allowed claim(s) is/are 2-15, 19-66, 143, 144, 146 and 148-150.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

7. ☒ The Drawings filed 07/27/01 are accepted by the Examiner.

**Attachment(s)**

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|---|---|
| <ol style="list-style-type: none"> <li>1. <input type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br/>Paper No./Mail Date _____</li> <li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br/>of Biological Material</li> </ol> | <ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</li> <li>6. <input type="checkbox"/> Interview Summary (PTO-413),<br/>Paper No./Mail Date _____</li> <li>7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment</li> <li>8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9. <input type="checkbox"/> Other _____</li> </ol> |
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## **DETAILED ACTION**

### **Status of the Application**

Receipt of the Amendment, Response and Applicant's Arguments/Remarks after BPAI decision, all filed 11/28/05 is acknowledged.

Applicant's amendment filed 11/28/05 presents claims 67 and 68 in a currently amended status. However, claims 67 and 68 are previously withdrawn claims, hereby cancelled by the Examiner (see Applicant's response to Restriction requirement, filed 10/22/02). Additionally, claims 16-18, 145 and 147, previously withdrawn are also hereby cancelled.

Claims 2-15, 19-66, 143, 144, 146 and 148-150 are pending in this action. Claims 2, 12-15, 19, 24-28, 33-44, 47-66, 143, 144, 146, 148 and 149 have been amended. Claims 1, 16-18, 67-142, 145 and 147 have been cancelled. Claims 2-15, 19-66, 143, 144, 146 and 148-150 are allowed.

### **EXAMINER'S AMENDMENT**

The application has been amended as follows:

#### In the Claims:

**Claims 16-18, 67, 68, 145 and 147 have been cancelled.**

The following typographical/grammatical errors in the instant pending claims were also noted and corrected:

In claim 40, the term 'antiinflamm~~y~~tory' has been changed to 'anti-inflammatory'.

In claim 40, the term 'immuno-supppressives' has been changed to 'immunosupppressives'.

In claim 40, the term 'ciclosporine' has been changed to 'cyclosporine'.

In claim 43, line 2, before the term 'positively', the term 'on' has been changed to 'on'.

In claim 44, line 3, before the term 'positively', the term 'on' has been changed to 'on'.

In claim 45, the term 'lecithines' has been changed to 'lecithini'.

In claim 45, the term 'stabilizers' has been changed to 'stabilizer'.

In claim 47, the term 'ciclosporine' has been changed to 'cyclosporine'.

In the Specification:

On page 1, line 15, the term 'bioavailabiliy' has been changed to 'bioavailability'.

On page 10, line 2, the term 'ciclosporin' has been changed to 'cyclosporin'.

On page 13, line 13, the term 'ethylenglycolmonostearate' has been changed to 'ethyleneglycolmonostearate'.

On page 14, line 2, the term 'approx.' has been changed to 'approximately'.

***Allowable Subject Matter***

Claims 2-15, 19-66, 143, 144, 146 and 148-150 are allowed.


### Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Humera N. Sheikh whose telephone number is (571) 272-0604. The examiner can normally be reached on Monday through Friday from 8:00A.M. to 5:30P.M., alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thurman Page, can be reached on (571) 272-0602. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Humera N. Sheikh  
Patent Examiner

  
TC-1600

Art Unit 1615

January 11, 2006